

At a Trial Term, Part of the United States District Court held in and for the Southern District of New York at the Courthouse located on 500 Pearl St., New York, NY on the ____ of _____ 2020

PRESENT: HON.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
EVELYN ELMRHARRI as m/n/g of A.E.,

Docket No.: 1:20-CV-00325

Plaintiff,

-against-

**INFANT'S
COMPROMISE ORDER**

MARRIOTT INTERNATIONAL, INC.,

Defendant.
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UPON reading and filing the annexed Affidavit of EVELYN ELMRHARRI, the Mother and Natural Guardian of the infant-plaintiff, A.E., sworn to on July 8, 2020; the Amended Affirmation of KEVIN S. KLEIN, ESQ., attorney for plaintiffs, affirmed on August 27, 2020; the medical report of Steven David Gibbons, MD a Board-Certified physician, affirmed on June 18, 2020;

telephonically

And further, upon ~~virtual~~ interviewing the infant-plaintiff, the infant's mother and natural guardian and their attorney, having appeared before this Court on the 20 day of August 2020;

And further, having shown this Court that the infant was born on March 18, 2015, and therefore having currently attained the age of 5 years; and after review of the aforesaid Affidavit

and Affirmations, and upon all the papers and proceedings heretofore had, and upon due deliberation having been herein;

NOW, on the motion of KEVIN S. KLEIN, ESQ., attorney for the Plaintiffs, it is

ORDERED, that EVELYN ELMRHARRI, the Mother and Natural Guardian of the infant-Plaintiff is permitted to settle and compromise the infant's claim in the amount of \$90,000.00, and conditioned upon the compliance with the provisions of this Order to give a General Release therefore, on behalf of the infant, and it is further

ORDERED, that the Defendant, MARRIOTT INTERNATIONAL, INC., is to pay the settlement sum as follows:

\$24,000.00

To ROSENBAUM & ROSENBAUM attorneys for the plaintiffs, the sum of ~~\$20,000.00~~ as their compensation for legal services, performed on the behalf of the infant-Plaintiff, with legal expenses waived;

\$66,000.00

To A.E., an infant, the sum of ~~\$60,000.00~~ to be received by her Mother and Natural Guardian, EVELYN ELMRHARRI, for the sole use and benefit of said infant, and said sum to be deposited in nearly equal sums in the name of the said Guardian jointly with an officer of the Credit Human, Main Branch and Headquarters, 6061 W. I-10, San Antonio TX 78201 to the credit of said infant in Time Deposit and Certificate of Deposit accounts paying the highest rate of interest available as provided hereinafter, which shall be held subject to the further Order of the Court until said infant reaches the age of 18 years, and it is further

ORDERED, that Time Deposit and Certificate Deposit accounts shall be continuously renewed upon maturity at the highest rate of interest then available except that the date of maturity shall not extend beyond the date when said infant attains the age of eighteen (18) years, and when no such time deposit or certificate of deposit account is available the accumulated funds shall then

be placed in the bank's insured money market account. No withdrawal shall be made from any of the aforesaid accounts, including any money market account, before the infant reaches the age of eighteen (18) years, except upon the further Order of this Court, and it is further;

ORDERED, that said bank wherein the proceeds of such compromise and settlement shall be held, shall pay over all monies held in the accounts to the infant upon demand and without further court order, when the infant reaches the age of 18 years upon presentment of proper proof thereof, and it is further;

ORDERED, that the filing of a bond be dispensed with, and it is further

ORDERED, that the cause of action for loss of services and/or medical expenses of the parent and natural guardian, the same having been waived by said parent and natural guardian, be and the same hereby is dismissed without costs and with prejudice.

ENTER:

SO ORDERED.

A handwritten signature in black ink, appearing to read "L. Liman", is written over a horizontal line.

LEWIS J. LIMAN
United States District Judge

September 2, 2020